



City of Seattle

Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Project Number: 3011918
Applicant: Aidan Bird, Studio Meng Strazzara
Address of Proposal: 3520 NE 89th Street

SUMMARY OF PROPOSAL

Land Use Application to allow a 7,230 sq. ft. gymnasium expansion to an existing institution (Our Lady of the Lake School). Project includes the partial demolition of the existing gymnasium. No change in parking.

The following approvals are required:

Variance – to exceed lot coverage (SMC23.44.010D)¹

Administrative Conditional Use – to allow expansion of a private school in a single family zone (SMC23.44.022)

SEPA Environmental Threshold Determination (SMC Chapter 25.05)

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

¹ Maximum lot coverage is 35 percent. The Applicant is requesting 38.6 percent.

SITE AND VICINITY

Site Location: The property is located east of 35th Avenue NE, west of 38th Avenue NE, north of NE 89th ST, and south of NE 90th Street.

Zoning: The site is zoned Single Family 5000

Parcel Size: 2.67 acres (116,287 square feet)

Existing Use: Our Lady of the Lake a church and private school (Institution)

Public Comment: The public comment period ended on February 29, 2012 after a 14-day extension. One comment letter was received. A second Notice was published on August 2, 2012 to include the variance component. No comments were received.

ANALYSIS – VARIANCE (SMC 23.40.020)

As provided in SMC 23.40.020, variances from the provisions or requirements of Seattle Municipal Code Title 23 shall be authorized only when all of the facts and conditions stated in the numbered paragraphs below are found to exist:

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The existing institutional campus is comprised of a church building, social hall and private school building. The school has an existing gymnasium which is located on the south side of the structure and is located adjacent to the other common areas which include the cafeteria and stage. The existing gymnasium does not meet standards for a regulation basketball court. The proposal is to demolish the existing gymnasium and construct a regulation sized gymnasium allowing for a basketball court and other court activities that fit within the dimensions of the court such as volleyball. Due to the location of the existing structures also on site and the unique uses of each of these structures, reconfiguration of existing structures is not an option available to the applicant.

The site is 2.67 acres in size and bounded by street rights-of-way. The institution does not have the ability to expand its boundaries due to the limitations of rights-of-way. Further the Land Use Code limits the expansion of institutions in Single Family zones to within 2.5 acres unless the property proposed for expansion is substantially vacant. There is no vacant land adjacent or in the vicinity of the subject site. The surrounding area is developed with single family residences precluding the ability of the institution to expand to allow for increased lot area in order to meet lot coverage requirements.

Given the constraints of the campus size and configuration, and the location and uses of existing structures which limit design alternatives, the applicant would be prevented from construction a regulation-size gymnasium without variance relief. Therefore the strict application of single

family development standards would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity. Therefore criterion one has been met.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

The requested variance does not go beyond the minimum necessary to afford relief. The existing gymnasium will be demolished and a new gymnasium containing a regulation sized basketball court, bleachers for spectators and handicap bathrooms will be constructed in its place. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located. A regulation sized gymnasium is typical of most middle schools and part of the educational curriculum. The Land Use Code allow for certain modifications to single family development standards for institutional uses such as height modifications for steeples and gymnasiums, setback requirements, parking and loading. Therefore this criterion has been met.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;*

The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity. The proposed expansion meets all development standards except for the lot coverage requirement. The increase in lot coverage above the code required 35 percent is 3.6 percent and will not be perceivable from surrounding uses. Therefore this criterion has been met.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code will not allow the applicant to replace an out of date facility with a gymnasium containing a regulation sized basketball court. Therefore this criterion has been met.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code and adopted Land Use regulations for the area.*

The Land Use Code provides for a variance process for relief from unusual conditions and situations that the rules of the Code could not anticipate. At the same time, the spirit and intent of the Land Use Code and Land Use regulations is to provide development compatible with land development patterns and existing neighborhood character.

The proposed additions are consistent with the spirit and purpose of the Land Use Code and adopted Land Use Comprehensive Policies as applicable. Therefore this criterion has been met.

DECISION - VARIANCE

Based on the submitted plans last updated on June 28, 2012 and the above findings and analysis all of the facts and conditions stated in the numbered criteria of SMC 23.40.020, *Variances* the requested variance is **Granted**, without conditions.

ANALYSIS - ADMINISTRATIVE CONDITIONAL USE (SMC 23.44.022)

The Land Use Code allows the expansion of existing institutions in residential zones through the administrative conditional use process. This proposal is an addition to an existing private school- which is allowed in a single family zone through administrative conditional use approval. The DPD Director has the authority to approve condition or deny a conditional use application. This decision shall be based on whether the proposed use will be materially detrimental to the public welfare or injurious to property. The applicable criteria used for evaluating and or conditioning the applicants' proposal are discussed below.

D. General Provisions

New or expanding institutions in single family zones shall meet the development standards for uses permitted outright in Section 23.44.008 through 23.44.016 unless modified elsewhere in this subsection or in a Major Institution Master Plan.

The plans submitted for the addition meet applicable development standards detailed in Section 23.44.008 through 23.44.016, except that the addition will result in the total development on the site to exceed the maximum lot coverage by 3.6 percent. A variance has been requested and approved as part of this application. Therefore this criterion has been met.

E. Dispersion

The lot line of any proposed new or expanding institution, other than child care centers locating in legally established institutions, shall be located six hundred feet (600') or more from any lot line of any other institution in a residential zone, with certain exceptions.

The existing institutional boundaries are not expanding with this proposal; therefore, this criterion is not applicable.

F. Demolition of Residential Structures

No residential structure shall be demolished nor shall its use be changed to provide for parking.

Demolition of residential structures is not proposed; therefore, this criterion is not applicable.

G. Reuse of Existing Structures

Existing structures may be converted to institution use if the yard requirements for institutions are met.

The proposal does not include the conversion of existing structures to institutional use; therefore, this criterion is not applicable.

H. Noise and Odors

For the purpose of reducing potential noise and odor impacts, the Director shall consider the location on the lot of the proposed institution, on-site parking, outdoor recreational area, trash and refuse storage areas, ventilating mechanisms, sport facilities, and other noise generating and odor-generating equipment, fixtures or facilities. The institution shall be designed and operated in compliance with the Noise Ordinance, Chapter 25.08.

On site activities will not substantially change as a result of this proposal. Activities will increase within the gymnasium. This will include Saturday games which will generate vehicles and activity on the site before and after games. Due to the size of the site and distance between the parking areas and residential uses in the neighborhood there will be no adverse impacts. The recycling and trash area will be located between the existing school and new gymnasium and will not generate noise and odor that will impact surrounding residential uses. All mechanical equipment will meet the Noise Ordinance. Therefore this criterion has been met.

I. Landscaping

Landscaping shall be required to integrate the institution with adjacent areas, reduce the potential for erosion or extensive stormwater runoff, screen parking from adjacent residentially zoned lots or streets or to reduce the appearance of bulk of the institution.

The new gymnasium will be setback 21 feet from NE 89th Street. Currently this area is covered with asphalt. To reduce the appearance of bulk, landscaping will be located between the structure and the street property line. Vine, Red and Norway maples, bushes and groundcover will be planted around a foot path providing access from the east to the west side of the site. Street trees will also be planted along NE 89th Street. No further landscaping will be required. This criterion has been met.

J. Light and Glare

Exterior lighting shall be shielded or directed away from adjacent residentially zoned lots.

Lighting will be located at new entrances. Lighting is required to be shielded and directed away from residentially zoned lots. No light and glare impacts on adjacent residentially zoned lots are anticipated to occur. This criterion has been met.

K. Bulk and Siting

1. *Lot Area. If the proposed site is more than one (1) acre in size, the Director may require the following and similar development standards:*
 - a. *For lots with unusual configuration or uneven boundaries, the proposed principal structures be located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum.*

The lot does not have an unusual configuration or uneven boundaries; therefore this criterion is not applicable.

- b. For lots with large street frontage in relationship to their size, the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces in order to provide continuity of the block front and to integrate the proposed structures with residential structures and uses in the immediate area.*

The subject site is an entire block and is currently developed with buildings for the Church and private school. The site is much larger than the single family zoned lots in the vicinity. The new gymnasium structure will be integrated into the existing institutional site. Therefore this criterion has been met.

- 2. Yards. Yards of institutions shall be as required for uses permitted outright in Section 23.44.008, provided that no such structure other than freestanding walls fences, bulkheads or similar structures shall be closer than ten feet (10') to the side lot line. The Director may permit side yards less than ten feet (10') but not less than five feet (5') after finding that the reduced setback will not significantly increase impacts, including but not limited to noise, odor and comparative scale, to adjacent lots zoned residential and there will be a demonstrable public benefit.*

The proposed development meets yard requirements. This criterion has been met.

- 3. Height Limit. A religious symbol and that portion of the roof supporting it, including but not limited to a belfry or spire, may be extended an additional twenty-five feet (25') above the height limit.*

This provision is not applicable as no religious symbols are proposed.

- 4. Facade Scale. If any facade of a new or expanding institution exceeds thirty feet (30') in length, the Director may require that facades adjacent to the street or a residentially zoned lot be developed with design features intended to minimize the appearance of the bulk. Design features which may be required include, but are not limited to, modulation, architectural features, landscaping or increased yards.*

The south façade of the gymnasium will be located 21 feet from NE 89th Street. This façade will measure approximately 100 feet in length. Landscaping has been provided between the structure and the street right-of-way to mitigate the bulk. The east and west facades are located over 200 feet from the site's property lines. Landscaping and structure setbacks from property lines adequately address new facades and no further mitigation is required. This criterion has been met.

L. Parking and Loading Berth Requirements

SMC 23.44.022.L provides that the Director may modify the parking and loading requirements of Section 23.54.15, required parking, and the requirements of Section 23.44.016, parking location and access, on a case by case basis using the information contained in the transportation plan prepared pursuant to Subsection M of this section.

No loading berth modifications are requested. The existing parking areas are to remain, however new stall striping has been shown in order to accommodate parking stalls displaced with the addition. Therefore no modifications to parking location and access are required.

M. Transportation Plan

A transportation plan shall be required for proposed new institutions and for those institutions proposing expansions which are larger than four thousand (4,000) square feet of the structure area and/or required to provide twenty (20) or more spaces.

A transportation plan was required with ACU 9905760 permitting the construction of the Social Hall and is still in effect. The current proposal does not require a new or modified Transportation Plan. Although the addition is greater than 4,000 square feet the project will not result in an increase in students or staff. The addition of afternoon practices and Saturday games will result in an increase in parking from participants and spectators. The existing parking on site will easily accommodate participants and spectators as long as events are not scheduled concurrently with the Church and Social Hall. A condition will be placed on this Conditional Use permit which states, "Events in the gymnasium will not be scheduled concurrently with Church and Social Hall Events."

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Director has determined that the use will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located. The conditional use application is **Conditionally Granted**. Conditions are listed below:

ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05)

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated December 21, 2011 and annotated by the Department. The information in the checklist, supplemental information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

Codes and development regulations applicable to this proposed project, including the Tree Ordinance, Noise Ordinance, Grading Code, Stormwater Code, Building Code, Street Use

Ordinance (Title 15), Land Use Code, and Puget Sound Clean Air Agency (PSCAA) will provide sufficient mitigation of most identified impacts and no further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665). There are however, some short and long-term project impacts which warrant additional discussion and mitigation.

Short-term Impacts

The following temporary or construction-related impacts are expected: decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; increased traffic due to construction-related vehicles, increased soil erosion and stormwater runoff, loss of trees and vegetation, and increased noise during construction. Due to the temporary nature and limited scope of these impacts, they are not considered to be significant.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater Code; Drainage Code; Street Use Ordinance; Building Code; Tree Ordinance, and the Noise Ordinance. Compliance with these applicable codes and ordinances will, with the exception of construction noise, reduce or eliminate short-term impacts to the environment to the extent that they will be sufficient without conditioning pursuant to SEPA policies. Further analysis and conditioning of some short term impacts are warranted.

Construction Impacts

Most of the initial construction activity including demolition, excavation, foundation work, and framing will require loud equipment and will have adverse impacts on nearby residences. The protection levels of the Noise Ordinance are considered inadequate for the potential noise impacts on nearby residential uses. The impacts upon residential uses would be especially adverse in the early morning, in the evening, and on weekends. The SEPA Overview Policy (SMC 25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B) allow the reviewing agency to limit the hours of construction in order to mitigate adverse noise impacts. Pursuant to this policy, and because there are residences in the vicinity, the applicant will be required to limit periods of construction to between the hours of 7:30 a.m. and 6:00 p.m. and to non-holiday weekdays. Demolition and construction activities taking place within an enclosed structure that meet the Noise ordinance are allowed. Construction activities outside the above stated parameters (but within limits of the Noise Ordinance) may be authorized by the DPD Land Use Division when a Construction Management Plan is provided and approved by DPD.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: increased ambient noise due to increased human activity; increase in bulk and scale, increased demand on public services and utilities; increased light and glare; increased traffic and parking; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope or mitigated by adopted codes and ordinances such as the Land Use Code, required conditions of the Administrative Conditional Use, and Noise Ordinance.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2C.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2C.

CONDITIONS - SEPA

During Construction

1. In order to mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to between the hours of 7:30 a.m. and 6:00 p.m. on non-holiday weekdays. Demolition and construction activities taking place within an enclosed structure that meet the Noise ordinance are allowed. Construction activities outside the above-stated restrictions (but within the limits of the Noise Ordinance) may be authorized upon approval of a Construction Noise Management Plan to address mitigation of noise impacts resulting from all construction activities. The Plan shall include a discussion on management of construction related noise, efforts to mitigate noise impacts and community outreach efforts to allow people within the immediate area of the project to have opportunities to contact the site to express concern about noise. Elements of noise mitigation may be incorporated into any Construction Management Plans required to mitigate any short-term transportation impacts that result from the project.

CONDITIONS - VARIANCE

None required.

CONDITIONS – ADMINISTRATIVE CONDITIONAL USE

For the Life of the Project

2. Events in the gymnasium will not be scheduled concurrently with Church and Social Hall events.

Signature: _____ (signature on file) Date: September 13, 2012
Stephanie Haines, Senior Land Use Planner
Department of Planning and Development

SLH/DRM